

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lammers *et al.*

Application No. 10/509,669

Filed: March 2, 2006

Confirmation No. 3140

For: GENERATION OF PLANTS WITH
IMPROVED PATHOGEN RESISTANCE

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Art Unit: 1638

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**1ST INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

Listed on the accompanying form PTO-1449 are thirty-nine (39) English-language documents (of which thirty-four (34) are submitted herewith). Applicants respectfully request that these documents be listed as references cited on the issued patent.

Copies of United States patents and United States published patent applications do not have to be provided to the Patent Office (37 C.F.R. 1.98(a)(2)(ii)). Copies of unpublished U.S. applications do not have to be provided, as long as the application is available on PAIR, as this requirement of 37 C.F.R. § 1.98(a)(2)(iii) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on October 19, 2004 (1287 OG 163). Applicants will provide copies of such patents or applications upon request.

Applicants filed this Information Disclosure Statement (“IDS”) before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this IDS.

However, if the Patent Office determines that a fee is required for Applicants to file this IDS, please charge any such fees, or credit overpayment, to Deposit Account No. 02-4550.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

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cc: Docketing